

**TITLE SEARCH REPORT
FOR
PIONEER ASPHALT SITE
LAWRENCEVILLE, LAWRENCE COUNTY, ILLINOIS**

NPL STATUS: NON-NPL

Prepared for:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Emergency Response Branch
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Prepared by:

WESTON SOLUTIONS, INC.
20 North Wacker Drive, Suite 1210
Chicago, Illinois 60606

Date Prepared	October 8, 2010
Technical Direction Document Number	S05-0009-1009-005
Document Control Number	1189-2A-AIDC
Contract Number	EP-S5-06-04
WESTON START Project Manager	Sara Habert
Telephone Number	(312) 424-3303
WESTON START Technical Lead	Sara Habert
U.S. EPA Enforcement Specialist	Carol Ropski

TABLE OF CONTENTS

Section	Page
1. INTRODUCTION.....	1
1.1 METHODOLOGY	1
1.2 LEGAL DESCRIPTION.....	1
2. CURRENT SITE OWNERSHIP INFORMATION	6
3. HISTORY OF PIONEER ASPHALT CORPORATION	6
4. TITLE NARRATIVE	6

LIST OF APPENDICES

Appendix A List of References

LIST OF ATTACHMENTS

Attachment A Reference Documents A-1 through A-14

1. INTRODUCTION

The United States Environmental Protection Agency (U.S. EPA) Region V requested that Weston Solutions, Inc. (WESTON®) perform title search activities for the Pioneer Asphalt Site (the Site), located at 802 Ash Street, Lawrenceville, Lawrence County, Illinois. The objective of the title search is to collect recorded documents affecting the condition of the title of the Site property from 1960 to the present and to summarize the information into a final Title Search Report.

1.1 METHODOLOGY

WESTON contacted the U.S. EPA Enforcement Specialist, Carol Ropski, to discuss the research objectives for this assignment and to obtain specific directions regarding the information to be developed. Title documents and information for the property were collected by Guaranty Title Company of Chicago, Illinois. Information regarding the condition of title for the property is described in Section 3.

1.2 LEGAL DESCRIPTION

The Site consists of eight tracts of land located in the County of Lawrence, Illinois, hereinafter described as Tract 1 through Tract 8. The legal description for the Site property is:

TRACT 1

That parcel of land described as follows: Beginning at the intersection of the North right-of-way line of the Baltimore & Ohio and Southwestern Railroad Company with the North and South center line of Section 7 in Township 3 North, Range 11 West of the Second Principal Meridian in Lawrence County, Illinois; thence North along said half section line and along the corresponding half section line of Section 6 in said Township and Range, 922.68 feet, more or less, to the center of the street known as Ash Street in the City of Lawrenceville, Illinois, and bounding Lot 7 of Charles J. Borden's Subdivision of the Southeast Fractional Quarter of the Southwest Quarter of said Section 6, Township 3 North, Range 11 West of the Second Principal Meridian; thence West along the center line of said street 330 feet, more or less, to a point in the center of Ash street opposite the West line of said Lot 7; thence South parallel with the North and South center line of said Sections 6 and 7, 980.76 feet, more or less, to the North right-of-way line of said Railway Company; thence North 80°

East along said right-of-way line 336 feet, more or less, to the place of beginning; Said premises also being described as: Lot No. 7 of Charles J. Borden's Subdivision of the Southeast Fractional Quarter of the Southwest Quarter of Section 6, Township 3, Range 11 West of the Second Principal Meridian, as shown on the plat of Borden's Subdivision aforesaid recorded in Deed Record 22 on page 339 of the record in the office for the recording of deeds of said county; containing 7.28 acres, more or less;

EXCEPT Commencing at a point where the Easterly property line of the above-described property intersects the Northerly right-of-way line of the Baltimore and Ohio Railroad Company; thence in a Northerly direction along said Easterly property line a distance of 62 feet to a point; thence in a Southwesterly direction parallel with the Northerly right-of-way line of the Baltimore and Ohio Railroad Company a distance of 75 feet to a point; thence in a Southwesterly direction a distance of 105.6 feet to a point in the said Northerly right-of-way line; thence in a Northeasterly direction along said right-of-way line, which is also the Southerly line of the above-described premises, a distance of 150 feet to the place of beginning, containing 6,859 square feet, more or less.

TRACT 2

Beginning at the intersection of the West line (extended South) of the Southeast Quarter of Section 6, Township 3 North, Range 11 West of the Second Principal Meridian, which is also the center line of Section 7, Township 3, Range 11 West of the Second Principal Meridian in Lawrence County, Illinois, and the North line of the B.&O.S.W. Railway right-of-way; thence North 80° East along the said North line of the B.&O. S.W. right-of-way 17.52 chains to the center of Clubb Lane; thence North 12° West with the center line of said Clubb Lane 9.09 chains; thence South 80° West 15.64 chains; thence South 9.18 chains to the place of beginning, containing 15.07 acres, more or less.

TRACT 3

Commencing at the intersection of the North line of the right-of-way of the B.&O. S.W. R.R. Co., with the West line (extended South) of the Southeast Quarter of Section 6, Township 3, Range 11 West, which is also the center line of Section 7, Township 3 North, Range 11 West of the Second Principal Meridian; thence running North along said quarter section line 9.18 chains to the Northwest corner of the McNeal tract, the place of beginning; thence North along said quarter section line 700 feet to a stake; thence East 910.7 feet to a point in the center of Clubb Lane; thence South 14° 55'

East 472.3 feet to a point in the center of said Clubb Lane; thence South $76^{\circ} 10'$ West 1055.2 feet to the place of beginning, containing 12.882 acres, being part of the Southeast Quarter of Section 6, Township 3 North, Range 11 West.

TRACT 4

Commencing in the Westerly property line of the tract first above described (and described herein as Tract II) at a point which is 62 feet North of the Northerly right-of-way line of the Baltimore and Ohio Railroad Company; thence in a Northerly direction along said property line, which is also the Easterly property line of Wishnick Tumpeer, Inc., a distance of 860.68 feet to a point; thence in an Easterly direction a distance of 8 feet to a point; thence in a Southerly direction parallel with the said Westerly property line a distance of 859.18 feet to a point; thence in a Southwesterly direction approximately parallel with the Northerly right-of-way line of the Baltimore and Ohio Railroad Company 8.14 feet to the place of beginning, containing 6,879 square feet, more or less.

TRACT 5

A part of the Southwest Quarter of Section 6, Township 3 North, Range 11 West of the Second Principal Meridian, and more particularly described as follows, namely: Commencing at a point where the half section line extending North and South through said Section 6 crosses the center of the main track of the B.&O. S.W. R.R. Company as now located; thence North on and along said half section line 981.5 feet; thence South $87^{\circ} 15'$ West, 216 feet; thence North 10 feet; thence North $87^{\circ} 15'$ East to said half section line; thence South on and along said half section line 10 feet to the place of beginning, containing 2,160 square feet.

TRACT 6

A tract of land lying in the Southwest Quarter of the Southeast Quarter of Section 6 and the Northwest Quarter of the Northeast Quarter of Section 7, Township 3 North, Range 11 West OF THE Second Principal Meridian, Lawrence County, Illinois, more particularly described as follows: Commencing at a point where the North right-of-way line of the B & O Railroad intersects the North-South centerline of said Section 7; thence North along said center line of Section 7 a distance of 67.0 feet; thence North $79^{\circ} 32'$ East a distance of 8.14 feet to an existing concrete monument; thence North a distance of 4.55 feet to an iron pin at the point of beginning; thence continuing North

00° 00' East, parallel to said center line of Section 7 a distance of 855.94 feet to an existing corner post; thence North 82° 53" East a distance of 100.00 feet to an iron pin; thence South 00° 00' East a distance of 700.00 feet to an iron pin; thence North 79° 32" East a distance of 134.00 feet to an iron pin; thence South 00° 00' East a distance of 150.00 feet to an iron pin; thence South 79° 32" West a distance of 234.91 feet to the point of beginning, containing 2.396 acres, more or less.

TRACT 7

Lots 7, 8, 9 and 10 in Charles W. Gher's Outlots, now a part of the City of Lawrenceville, as shown on the plat thereof recorded in Deed Record 22, page 603, in the Lawrence County Recorder's Office in Lawrence County, Illinois.

TRACT 8

Lot 6, Gher's Subdivision to the City of Lawrenceville, Illinois.

Assessor's Parcel Numbers 06-000-0678-10; 06-000-069-00; 06-000-092-00; 06-000-093-00; 06-000-115-10; 06-002-408-00; 06-002-409-00; and 06-002-407-00

A parcel map is included as Figure 1.

Figure 1 – Parcel Map

2. CURRENT SITE OWNERSHIP INFORMATION

The current owner of record for the Site property is Pioneer Asphalt Corporation. Real property taxes from at least the 2006 tax year for each of the Site's parcels are unpaid and delinquent. Some of the years' taxes have been sold and have not been redeemed; however, no property transfers conveying any part of the Site property from Pioneer Asphalt Corporation or from the Lawrence County Assessor to any other entities have been recorded to date.

3. HISTORY OF PIONEER ASPHALT CORPORATION

Pioneer Asphalt Company obtained title to the Site property in 1986. In order to provide background for the transactions prior to 1986, a history of the Pioneer Asphalt Corporation follows (A-1).

The Wishnick-Tumpeer Chemical Company was originally a distributor and reseller of chemicals. Up to 1924 they purchased and re-sold the output of Pioneer Asphalt Company, a small company located in Lawrenceville, Illinois. In 1924, the Wishnick-Tumpeer Chemical Company purchased the Pioneer Asphalt Company, which specialized in the production of asphaltic products for the rubber industry. In 1944, the Wishnick-Tumpeer Company changed its name to Witco Chemical Corporation and later the name was again changed to Witco Corporation.

In 1985, The Texaco Oil and Refining Company closed its Lawrenceville, Illinois, plant. As a result, Pioneer Asphalt Company lost its most local and least expensive source of raw asphalt. The Texaco closing and the 1983 death of Mr. Wishnick prompted Witco Chemical Corporation to close its Pioneer Asphalt Division. In July 1985, a group of investors, lead by Ziegler Chemical and Mineral Corporation, bought the Lawrence facility and retained the Pioneer Asphalt name, incorporating it as Pioneer Asphalt Corporation, which continued to manufacture Pioneer mineral rubber. Pioneer Asphalt Corporation closed its operations in Lawrenceville, Illinois, in 2004.

4. TITLE NARRATIVE

On August 16, 1929, pursuant to a Plan of Reorganization between Wishnick-Tumpeer, Inc. and Pioneer Asphalt Company, Pioneer Asphalt Company executed a deed conveying Tract 1 to Wishnick-Tumpeer, Inc. On September 3, 1938, Pioneer Asphalt Company, by its president, Robert

I. Wishnick, issued a second deed memorializing the transaction because the original deed was either lost, stolen or mislaid (A-2).

On June 14, 1938, Indian Refining Company conveyed Tract 2, Tract 3 and Tract 4 to Wishnick-Tumpeer, Inc. through a Warranty Deed (A-3).

On August 8, 1946, The Texas Company conveyed Tract 5 to Witco Chemical Company (sic) (formerly Wishnick-Tumpeer, Inc.) through a Quitclaim Deed (A-4).

On June 25, 1981, through a Special Warranty Deed, The Philadelphia National Bank, as Trustee under Trust Agreement dated May 11, 1981, conveyed Tract 6 to Witco Chemical Corporation (A-5).

Between January 1940 and January 1953, Tract 7 was owned in separate parts by several individual owners. By June 12, 1972, all of the Lots included in Tract 7 were owned by Joseph W. Medlin and Mary Medlin. On June 12, 1972, Joseph W. Medlin and Mary Medlin, husband and wife, conveyed Tract 7 to Robert L. Kelly and Marie Kelly, husband and wife, through a Warranty Deed (A-6).

On June 18, 1977, Allen Hayhurst Marley and Donna M. Marley entered into a Contract for Deed with Robert L. Kelly and Marie Kelly for Tract 7. Pursuant to a Decree of Dissolution of Marriage dated July 20, 1983, Allen Hayhurst Marley conveyed his interest in the Contract for Deed to Donna Marie Marley (A-7).

On March 28, 1984, Robert L. Kelly and Marie Kelly conveyed Tract 7 to Donna Marie Marley through a Warranty Deed. The next day, on March 29, 1984, Donna Marie Marley conveyed Tract 7 to Witco Chemical Corporation (A-8, A-9).

At this point Witco Chemical Corporation is the owner of Tracts 1 through 7 of the Site property. On November 12, 1986, Witco Corporation (formerly Witco Chemical Corporation) conveyed Tracts 1 through 7 of the Site property to Pioneer Asphalt Corporation through a Quit Claim Deed (A-10).

Between February 1939 and December 1988, Tract 8 was owned by several individual owners, the last being Louise Morris. On December 20, 1988, Louise Morris conveyed Tract 7 to Pioneer Asphalt Corporation through a Warranty Deed (A-11).

On November 26, 2003, Valley Electrical Supply Corporation issued a Claim for Lien in the amount of \$2,287.78 against Pioneer Asphalt Corporation and the Site property for electrical materials provided under an oral contract (A-12).

On December 18, 2003, judgment was entered in the matter of *Ergon Refining, Inc. vs. Pioneer Asphalt Corporation*; Case No. 03-LM—56 in the Circuit Court for the Second Judicial Circuit, Lawrence County, Illinois, in favor of plaintiff in the amount of \$22,826.79 (A-13).

On June 30, 2005, judgment was entered in the matter of *Archer Daniels Midland Company vs. Pioneer Asphalt Corporation*; Case No. 05-SC-1026 in the Circuit Court of the Third Judicial Circuit, Madison County, Illinois, in favor of the plaintiff in the amount of \$8,935.62 (A-14).

APPENDIX A LIST OF REFERENCES

LIST OF REFERENCES

- A-1 Tumpeer Chemical Company; Company Profile (www.tumpeerchemical.com); printed on 10/05/2010
- A-2 Deed. Pioneer Asphalt Company, Grantor; Wishnick-Tumpeer, Inc., Grantee; dated August 16, 1929; recorded July 28, 1938
- A-3 Warranty Deed. Indian Refining Company, Grantor; Wishnick-Tumpeer, Inc., Grantee; dated June 14, 1938; recorded September 1, 1938
- A-4 Quitclaim Deed. The Texas Company, Grantor; Witco Chemical Company, Grantee; dated August 8, 1946; recorded May 1, 1947
- A-5 Special Warranty Deed. Philadelphia National Bank, as Trustee under Trust Agreement dated May 11, 1981, Grantor; Witco Chemical Corporation, Grantee; dated June 25, 1981; recorded July 1, 1981
- A-6 Warranty Deed. Joseph W. Medlin and Mary Medlin, husband and wife, Grantors; Robert L. Kelly and Marie Kelly, husband and wife, Grantees; dated June 12, 1972; recorded June 13, 1972
- A-7 Assignment of Contract for Deed. Allen Hayhurst Marley, Assignor; Donna Marie Marley, Assignee; dated September 6, 1983; recorded September 23, 1983
- A-8 Warranty Deed. Robert L. Kelly and Marie Kelly, each in his own right and as spouse of the other, Grantors; Donna Marie Marley, Grantee; dated March 28, 1984; recorded March 29, 1984
- A-9 Warranty Deed. Donna Marie Marley, Grantor; Witco Chemical Corporation, Grantee; dated March 29, 1984; recorded March 29, 1984
- A-10 Quit Claim Deed. Witco Corporation, formerly Witco Chemical Corporation, Grantor; Pioneer Asphalt Corporation, Grantee; dated November 12, 1985; recorded November 18, 1986
- A-11 Warranty Deed. Mike Dobos and Larry Walther, Grantors; Pioneer Asphalt Corporation, Grantee; dated December 20, 1988; recorded December 22, 1988
- A-12 Mechanics Lien. Valley Electric Supply Corporation, Claimant; Pioneer Asphalt Corporation, Owner; dated November 26, 2003; recorded December 11, 2003
- A-13 Memorandum of Judgment. In the matter of *Ergon Refining, Inc. vs. Pioneer Asphalt Corporation*; Case No. 03-LM-56; dated December 18, 2003; recorded December 18, 2003
- A-14 Memorandum of Judgment. In the matter of *Archer Daniels Midland Company vs. Pioneer Asphalt Corporation*; Case No. 05-SC-1026; dated June 30, 2005; recorded August 11, 2005

ATTACHMENT A
REFERENCE DOCUMENTS A-1 THROUGH A-11
